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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,391	10/03/2000	Daniel Bates	0007891-0002	6681

27160 7590 11/08/2002

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EXAMINER

BLACKMAN, ANTHONY J

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/679,391

Applicant(s)

BATES et al

Examiner

Anthony Blackman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 21, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31 and 32 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 8 6) ☐ Other:

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## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following title is suggested: Interactive Method and Apparatus for Associating the Edge Value of a Color of an Object with an Event/Hot Spot/Trigger

### ***Response to Amendment***

3. Examiner acknowledges applicant's cancellation of claims 1-30 and amending dependent claims 31-32 into independent claims. Upon further consideration, examiner has located new references that read upon claims 31 and 32, ISADORE-BARRECA et al, US Patent Number 6,205,231, supporting the primary reference LINDHURST et al. Therefore the following action is non-final.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

LINDHORST et al US Patent No. 6,337,696 in view of ISADORE-BARRECA et al, US Patent Number 6,205,231.

6. Consider claims 31-32. LINDHORST et al disclose both a method and system for associating a color of an object with an event (column 2, line 51 to column 3, line 29) comprising: determining a location on a video screen where an action by a pointing device has occurred, defining a selected location (column 2, line 51 to column 3, line 29); determining a color value for said selected location (column 2, line 51 to column 3, line 29, column 3, line 30-37 and column 17, lines 23-43), however, does not expressly teach associating an event with said color value including the step of defining an edge associated with the color value. ISADORE-BARRECA et al disclose the aforementioned features (Abstract, lines 4-11 and column 5, lines 35-62). It would have been obvious to one at the time of the invention to modify the software program for creating and editing event handlers that are linked to objects embedded within an HTML or other Internet document of LINDHORST et al by the method of designating "hot spots" in a video sequence with the color edge of and object of ISADORE-BARRECA et al because both inventions are related to users interfacing software with the Internet/web browsers/HTML documents, in addition to linking color based queries with objects/documents. Additionally, ISADORE-BARRECA et al "...allows a computer to reliably track objects within a digitized moving video, clearly distinguishing the objects from the background and other objects

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such that the objects of interest can be acted upon by a computer and/or by a computer user acting in conjunction with a computer (column 4, lines 28-33).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. CHODOS et al, US Patent Number 5,872,857, although an IDS reference, it is important to note that figures 3-4 disclose a centroid edge locator processor (for each pixel), determining any portion of the object... Uses a binary system ("1's" and "0's"), wherein "1" indicates an object and "0" indicates pixels having an intensity of zero indicating an absence of the object (column 6, lines 1-40).

Any response to this action should be mailed to:

BOX AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 872-9314 (for formal communications marked EXPEDITED PROCEDURE), or

(703) 746-5731 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:  
Sixth floor Receptionist  
Crystal Park II

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2121 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Blackman who may be reached via telephone at (703) 305-0883. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, may be reached at (703)-308-6829

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A stylized, handwritten signature in black ink, consisting of a large loop followed by a series of connected strokes that form a shape resembling a '3' or a cursive 'B'.

Anthony J. Blackman

Patent Examiner

11/4/2002

A handwritten signature in black ink, appearing to read 'Matthew C. Bella' in a cursive script.

Matthew C. Bella  
Primary Examiner